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8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	OAKLAN	D, CALIFORNIA	
11	JAMES SUTTON AND LYNETTE	No. 4:10-CV-05624 PJH	
12	SUTTON, Plaintiff,	The Honorable Phyllis J. Hamilton	
13		STIPULATED REQUEST FOR DISMISSAL BETWEEN THIRD	
14	v. AMERICAN SECURITY	PARTY COMPLAINANT AMERICAN SECURITY INSURANCE COMPANY	
15	INSURANCE COMPANY, a Delaware Corporation, and DOES 1	AND THIRD PARTY DEFENDANT HARTFORD FIRE INSURANCE	
16	THROUGH 10,	COMPANY; AND	
17	Defendant.	PROPOSE D ORDER DISMISSING AMERICAN SECURITY'S THIRD	
18		PARTY COMPLAINT AGAINST HARTFORD FIRE INSURANCE	
19			
20	AMERICAN SECURITY		
21	INSURANCE COMPANY,	Territoria de la constanta de	
22	Third Party Plaintiff,		
23	V.		
24	HARTFORD FIRE INSURANCE COMPANY,		
25	Third Party Defendant.		
26			
27			
28	CBM-IPG/SF533757		
	STIPULATED REQUEST FOR DISMISSAL BETWEEN PARTIES; [PROPOSED] ORDER		

STIPULATED REQUEST FOR DISMISSAL 1 2 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Third Party 3 Plaintiff American Security Insurance Company ("American Security") and Third Party 4 Defendant Hartford Fire Insurance Company ("Hartford") (the "Parties") agree as follows: 5 The Parties, on their own behalf and on behalf of all Related Parties, grant a full Release, as defined below, to each other and all Related Parties. "Related Parties" 6 7 refers to each Party's divisions, affiliates, parent corporations, sister corporations, 8 subsidiary corporations, insurers, re-insurers, partners, transferees, assignees, 9 predecessors, and successors. Included as a released party in American Security's Related Parties is the lender that placed the American Security policy at issue, Wells Fargo Bank 10 11 N.A. ("Wells Fargo"). This Release extends to all claims known and unknown, past, 12 present and future, relating to the insured property referred to in the pleadings in this 13 matter, and all possible causes of action that were or could be asserted in this action or any subsequent action. 14 15 The Parties acknowledge that they are aware of Section 1542 of the California 16 Civil Code, which provides: 17 GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO 18 EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR 19 HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR. 20 The Parties agree to waive all of their rights under Section 1542 of the 21 California Civil Code and under any statute, regulation, or common law principle that is 22 the same as or similar to Section 1542 of the California Civil Code. 23 In light of this full release, the parties agree that American Security's third 24 party complaint may be dismissed with prejudice, and jointly request the Court to do so. 25 The parties waive any claim for costs or attorney fees they might have against each other. 26 27 28 CBM-IPG\SE533757 -2-STIPULATED REQUEST FOR DISMISSAL BETWEEN PARTIES; [PROPOSED] ORDER

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CARROLL, BURDICK & McDONOUGH LLP By /s/Raymond J. Tittmann Raymond J. Tittmann Raymond J. Tittmann Raymond J. Tittmann Attorneys for Defendant and Third Party Plaintiff AMERICAN SECURITY INSURANCE Dated: December 2. 2011 By Arry Gleason Attorneys for Third Party Defendant HARTFORD FIRE INSURANCE COMPANY HARTFORD FIRE INSURANCE COMPANY 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 CIMARCRIVALES AND STATEMENT AND STA	I	Dated: December 1, 2011	T Transaction of the Control of the
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STIPULATED REQUEST FOR DISMISSAL BETWEEN PARTIES; [PROPOSED] ORDER			

|PROPOSED| ORDER DISMISSING THIRD PARTY COMPLAINT

The Court has considered the request of Third Party Plaintiff American Security Insurance Company ("American Security") and Third Party Defendant Hartford Fire Insurance Company ("Hartford") (the "Parties") to dismiss American Security's third party complaint against Hartford with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure, and order that all other claims that the Parties might have against each other are dismissed with prejudice to the full extent set forth above. Good cause appearing, the Court hereby GRANTS those requests.

American Security's Third Party Complaint against Hartford is hereby dismissed with prejudice. The parties waive any claim for costs or attorney fees they might have against each other.

Dated: December <u>12</u>. 2011



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